

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **PARAGUAY: THE ATTORNEY GENERAL MUST INVESTIGATE MISUSE OF THE CRIMINAL JUSTICE SYSTEM AGAINST INDIGENOUS COMMUNITIES IN ITAKYRY**

Amnesty International welcomes the decision of the Paraguayan Institute for Indigenous Affairs (Instituto Paraguayo del Indígena, INDI) to lodge a formal complaint with the Attorney General regarding a state prosecutor with Criminal Unit No. 3 in Hernandarias, Paraguay. The complaint concerns the alleged misuse of the criminal justice system against Ava Guaraní Indigenous communities, in the district of Itakyry, Department of Alto Paraná, in the context of a dispute over overlapping land titles between the communities and various individuals.

According to the INDI complaint, the prosecutor initiated a criminal investigation in which she accused the communities of “invading” their own territory, instigated the forced eviction of the community through the Joint Action Plan<sup>1</sup> and ordered the arrest of members of the community. The arrest warrants are still in force. This occurred despite the fact that the Indigenous communities had the title to their ancestral territory, under the name of the INDI, and that any dispute should have been settled through civil proceedings.

In its report, *A recipe for criminalization: Defenders of the environment, territory and land in Peru and Paraguay*, Amnesty International identified how, in practice, the Joint Action Plan leads to forced evictions that are carried out without due safeguards to respect and protect the right to decent housing and the right of Indigenous Peoples to access to their ancestral territory.

The organization called on the Paraguayan authorities to repeal the Joint Action Plan in order to protect and guarantee the rights of Indigenous Peoples. The authorities have convened a committee to review the Plan, but to date it remains in force.

Amnesty International also concluded that in Paraguay there is a pattern of stigmatization, forced evictions and the opening of baseless criminal cases against Indigenous leaders and human rights defenders working on issues related to the environment, territory and land.

Amnesty International therefore urged the Paraguayan authorities to initiate the necessary proceedings regarding allegations of misuse of the criminal justice system to harass and intimidate human rights defenders. The organization considers the filing of the INDI complaint to be a positive move towards the effective protection of defenders in Paraguay and calls on the Attorney General's Office to investigate the allegations set out in the complaint in a prompt, effective and impartial manner.

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<sup>1</sup> The Joint Action Plan on Punishable Actions related to Trespass is the agreement between the Public Prosecutor's Office, the Ministry of the Interior and the National Police of 28 March 2012, revised on 20 March 2107. The Plan sets out the actions these three bodies will take to stop potential crimes of trespass on property. Although the Plan does not mention the word “evictions”, Amnesty International has identified that this procedure leads to what are in effect veiled forced evictions. This has even been recognized by some of the officials interviewed by the organization.